

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

November 1-5, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
11-1	EX	74/643,553	CIBER, Inc.	Hanak Hohein Wendel*	whether the matter applicant seeks to register functions as a service mark for the services recited in the application	Refusal Affirmed	"CIBRCASE" [computer software development and support services for manufacturing and service companies, namely, development of customized application software and programming, loading, and updating software]			Thompson	No
11-1	OPP	91,238	Reebok Int'l. Ltd. and Reebok Sports Ltd. v. Konstantin	Hanak* Wendel (D) Bucher	2(d)	Opposition Sustained	"REEBOK" [athletic shoes, clothing, sport bags, retail store services in the field of clothing, shoes, sports accessories, etc., ]	"REEBA" (and design) [card game]			No
11-2	EX	75/131,355	Dial A Mattress Operating Corp.	Simms Hairston Bottorff*	2(e)(1) [genericness]; whether applicant's mark has acquired distinctive-ness under Sec. 2(f)	Refusal Affirmed (on both grounds)		"1-888-M-A-T-R-E-S-S" [telephone shop-at-home retail services in the field of mattresses]		Wellington	Yes
11-3	OPP (R)	96,375	Jim Peterik and Frank M. Sullivan, III v. Jimmy Jamison	Seeherman Quinn Wendel*	2(d) [priority]; abandonment [affirmative defense]	Request for Recon- sideration Denied (Opposi- tion Sustained)	"SURVIVOR" [entertainment services in the nature of a vocal and instrumental music group]	"SURVIVOR" [entertainment services in the nature of a vocal and instrumental music group]			No

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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11-3	OPP (SJ)	104,343 104,344	Holmquist v. Synergy Rehabilitation, Inc.	Quinn Wendel Bottorff [Opinion "By the Board"]	2(d)	Opposition Sustained (in both cases) [Opposer's motion for summary judgment granted in both cases]	"SYNERGY PHYSICAL THERAPY" [physical therapy services]	"SYNERGY. WORKING TOGETHER WORKS" and "SYNERGY REHABILITATION, INC." (and design) [ <i>both marks for</i> physical, occupational and speech therapy]			No
11-3	EX	75/186,844	ZD Inc.	Seeherman Hohein Walters*	2(e)(1)	Refusal Affirmed		"PC SHOPPER" [providing multiple-user access to a global computer information network featuring news and information about computers, computing, systems, technology and information networks; providing on-line information about computers, computing, systems, technology and information networks via a global computer network]		Thayer	No
11-3	OPP CANC	99,676 24,523	Food-Tek, Inc. v. Rhodia, Inc.	Seeherman Wendel Bottorff*	2(d)	Opposition Dismissed; Petition to Cancel Denied	"FOOD-TEK" (used as a trade name) [consulting services in the field of food manufacturing and food product research and development]	"YOUR FOOD TECH PARTNER" (in stylized lettering) and "YOUR FOOD TECH PARTNER" [ <i>both marks for</i> providing information regarding food ingredient use]			No

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11-3	OPP	90,090	Alberto-Culver Co. v. Han Beauty, Inc. and Trevive, Inc.	Cissel Quinn* Bucher	2(d)	Opposition Sustained	"TRESEMME" [hair spray, permanent wave, hair conditioners, hair thickeners, wig sprays, creme lotion developer, wig cleaners and hair shampoos] and a family of "TRES"-prefix marks, including "TRESPAC" [protein hair conditioning treatment], "TRESSPRAY" [hair styling spray and sculpting spritz], "TRESGELEE" (in stylized lettering) [hair styling gel], "TRESWAVE" [hair permanent wave preparation], "TRESSHINE" [hair conditioning mist for treating frizzy hair], and "TRESHOLD" (in stylized lettering) [hair spray]	"TREVIVE -- NUTRIENTS FOR THE LIFE OF YOUR HAIR" (and design) [hair shampoo, hair conditioner, hair gel, and hair spray]			No

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